

## STILL BLOCKADED

The Situation Remains the Same in the Mountains.

Houses Carried Away and the Inmates Barely Escape with their Lives.

Forty-Eight Hours. Constant Rain in the Capay Valley.

The Country Flooded on all Sides and Cattle are Having a Hard Time.

A Committee of Investigation to be Appointed.

Tracks Still Blocked on the Oregon Road.

SISSON, Jan. 24.—The situation remains unchanged. This morning dawned bright and clear without a cloud in the sky, the first clear day in a week. Reports from the scene of the big slide state that there is no possible chance of raising the blockade before Saturday. Several of the passengers on the snowbound train here have started out afoot and will endeavor to reach Dunsmuir.

DUNSMUIR, Jan. 24.—The weather is clear and pleasant. A heavier force was put on the avalanche today and they have cut away most of it. The rotary has done a little better today, as it occasionally struck a soft bank. The rotary will be started northward in the morning, so that the train lying here may be started by daylight. By noon the train held at Sisson will be sent south. The cuts north of Sisson may cause some delay, as they have drifted full again, but it is loose, and the rotary works well in loose snow. Twenty-five passengers from the delayed train at Sisson walked down here today hoping that a train might be sent south from here, so they could gain time.

SANTA ROSA, Jan. 24.—The big wagon bridge near Guerneville, which withstood the flood of 1890, has been carried away. The Donague road between Guerneville and Forestville

is seriously damaged and will require a large outlay to put it into condition again. In many places the track was swept off the grade, and in several places it is moved several feet. A landslide of two miles completely blocks the track near Guerneville.

Sam Varner and his family had a narrow escape from death. They live in a house outside of Guerneville. They saw the landslide coming toward their house, and hurrying from the building they took shelter in a barn just in time to see their house carried away by the slide into the stream.

The houses of Robert Starett, O. Westcott, John Donnelly and ten others in the same vicinity were inundated. It is remarkable that no lives were lost. While the storm has abated the water has not receded.

SANTA CRUZ, Jan. 24.—The narrow-gauge train was delayed two hours today by a slide near Rincon. Rocks had to be blasted before the track could be cleared so that the train could pass.

Thrilling Incidents of the Flood at Rumsey and Gumba.

WOODLAND, Jan. 24.—As there are neither telephone nor telegraph offices at Rumsey, in the Capay valley, the details of the late storm were not received until today. The rain poured down in torrents for forty-eight hours and the water was two feet higher than ever known before. The Rumsey bridge across Cache Creek, which was considered impregnable to the highest flood, was carried, and the settlement known as East Rumsey is cut off from all communication with the outside world. Cache Creek will probably not be fordable again until late in the season and the bridge was the only means of communication afforded to the settlers on the east side of the creek in the west end of the valley.

An incident of the flood, which came near resulting fatally, occurred just before the bridge went out. Walter Redfern and L. Platt were on the west side of the creek and crossed the bridge to their homes on the east side. Platt was on horseback and got over safely, but Mr. Redfern had a thrilling experience. He was walking and leading a horse on which was strapped two sacks of flour. At the east end of the bridge the water was deep and the current was so swift that both Redfern and the animal were swept from their feet. The horse swam ashore without much difficulty, but Redfern did not get out of the flood until after he had drifted down the stream about a thousand yards.

The news from Gumba is also of a sensational character. John Whipple's place, a short distance below town, was under water all day Tuesday. The only occupant of the place was Mr. Powell, late of Madison. At 3 o'clock Tuesday afternoon Powell was compelled to take refuge in an oak tree which stood near the corner of the house. He could be seen by the people on this side of the raging

torrent, but they were powerless to render him any assistance. Late on Tuesday the waters receded sufficiently to permit him to escape.

J. B. Everett was compelled to move his family from his house to the home of J. W. Hughes and the water was deep enough to run in the wagon-bed in which they were moving.

Many fences were washed away, orchards were flooded and cattle on the hills fared very badly. Advices from Knights Landing are to the effect that on the Sutter side there is no land to be seen except the tops of the levees. The water has invaded many homes. The levees on this side below town are still standing and the water that threatened the reclamation district is receding under the influence of a strong north wind.

The railroad company is constructing a side track to the bed of Butte Creek to tap a gravel pit to be used as ballast for the tracks where they have been weakened by the floods. The railroad situation is still very bad. A force of fifty men is working on the break between this city and Yolo, and there is a construction train on both sides of the break. Under the most favorable conditions trains will not go over it before Saturday. A force of men is also at work on the breaks in the Knights Landing branch, but it is very uncertain when the company will be able to run cars over that line again. The entire grade is gone in places and the work of laying the track will necessarily be very slow.

### Lexowing by Rule.

SACRAMENTO, Jan. 24.—The purpose Phelps had in asking that the Lexow proposition go over from yesterday until this morning was made apparent immediately after the journal was read this morning in the Assembly. They did not wait until the hour of 11 o'clock, for which the subject was made a special order.

Waymire introduced at once a substitute for the Ewing resolution, which latter merely provided for the appointment of a committee to make the appointment, giving it, of course, all the power that a resolution can. But last night Mr. Phelps, Judge Waymire and T. V. Cator got together and prepared a resolution which took a stronger hold of the subject, and as they think, made it effective where the other was not. In presenting it, Waymire explained that the Lexow Committee, which had sunk grappling-hooks into the corruption of the New York Police Department, had acted under the authority of law, and therefore accomplished its purpose. There was no law covering the situation in California and it would be necessary to make one. Any committee merely appointed in response to a resolution would be handicapped and would fail.

The resolution presented calls upon the Attorney-General to pre-

pare an act for a general law under which a committee, to be composed of four members of the Assembly and three of the Senate, to be appointed by the presiding officer of each body respectively, shall have the power to investigate any department of any city or county government in the State upon reasonable evidence being shown that any form of corruption or fraud is practiced in its operation.

The committee shall have the powers of a judicial body in so far as summoning persons and papers is concerned, and may exonerate and exempt witnesses from prosecution who may give valuable evidence looking to the conviction of principals in any such fraud, and shall also have power to punish for contempt any who refuse to appear and answer questions, or to punish for perjury those who testify falsely. The committee shall be authorized to employ necessary clerks and stenographers. It will be a standing committee that may be called to act at any time during their two years' term of office, or until their successors are elected and qualified. They shall make their report to the Governor, and he will report to the succeeding Legislature.

The substitute met with no material opposition. Brusie declared that it was an insult to the committee on public morals that the whole matter should not be left in their hands, as it was essentially the business of that committee, and declared his abounding confidence in it, declaring he would be willing to trust his life in its hands, as indeed he would in those of any committee of this body, which would indicate that none of the members of them have any particular grudge against him so far as he knows.

Powers made another little speech to the effect that a general law which provided for the springing of a Lexow committee at an unexpected moment upon any defenseless community at the expense of the State and the possible aggrandizement of the committee might be a very good thing in its way, but that so far as San Francisco was concerned she could be depended upon to do her own lexowing.

The substitute resolution passed. Ewing made no protest, although he was not especially taken into the confidence of the little gathering of last night, which prepared this flank movement. The fact is that the bill is already drawn, and by the same authors—Waymire, Phelps and Cator. They presented it to the Attorney-General today, and he is now studying its provisions.

### Bromine.

A correspondent of the Monthly Magazine of Pharmacy, writing from Messina, says: "A bottle of bromine left in a closed room all night with the stopper out destroys all infection and insect life. I have cleared places which were infected with vermin many times. It is far more effectual than the vapor of burning sulphur."

### Do You Believe It?

The New York Sun, in relating a story of a game of whist, says that in a country house two packs of cards had been alternately used for six rounds of the first rubber.

In its proper order one of them was shuffled, cut and dealt for the seventh round. The dealer then turned the three of hearts. After a prolonged pause, which was not unnatural, the dealer remarked, "it is unnecessary to play the cards out," and placed his hand on the table, disclosing every heart in the pack.

The leading player then put down the whole suit of clubs, the second that of diamonds, and the third that of spades.

### A Rheumatic Cure.

In yesterday's issue was published a variety of remedies that were suggested to the writer for the cure of a disease with which he had been afflicted. The facts in the case is that he tried "something else." It was in the shape of Hill's Rheumatic Pills, and to them he attributes the quick recovery from a very severe attack of inflammatory rheumatism. Anyone desirous of them will find them for sale at Kesley's Pharmacy, Addison street and Shattuck avenue.

### The Inquest.

An inquest was held yesterday on the death of the wife of Dr. Loughridge by Coroner Baldwin. The verdict was that the name of the deceased was Bessie Webb Loughridge, a native of Louisiana, aged 34 years, and that she came to her death "by means of carbolic acid, administered by herself while suffering from temporary insanity."

At a recent meeting of the stockholders of the Oakland Home Insurance Company, a committee of five was appointed to examine the yearly reports and the business of the company generally. They are to make a report on February 23rd.

The pleasant weather of the past few days has led our people to hope that they would last at least a month longer, but as we go to press the barometer is rising and clouds are scurrying across the skies, and the indications are that another storm will soon be upon us.

Justice Shaw had a nice new stove placed in his courtroom, on San Pablo avenue, this morning, and he has a very cosy and comfortable office.

There is but very little business these days in the Justices' Courts, consequently items from those quarters are a little scarce.

Subscribers of the GAZETTE should preserve their copy of the new charter this evening as tonight is the last time of its publication.

The case of the people vs. Goberg, charged with battery, is on trial this afternoon before Justice Lord.

# THE GAZETTE.

PUBLISHED EVERY DAY EXCEPT SUNDAY  
BY THE  
GAZETTE PUBLISHING COMPANY.  
WILL A. NASH, EDITOR.  
JOHN O. HANSCOM BUSINESS MANG'R  
SUBSCRIPTION RATES  
One Year .....\$3.00  
Six Months..... 1.50  
Per Month, Delivered by Carrier.... 25 cts

Entered at the postoffice as second class matter.

FRIDAY, JANUARY 25, 1895.

## A STORM SEWER.

There is one thing certain and that is Berkeley is very much in need of a storm sewer. The time is not far distant when the time will have to build one and the sooner it is done the better it will be for inhabitants.

There is a large amount of watershed back of the town and when the heavy rains fall in the winter season there is more or less damage done. This occurs at time during every wet season. In times gone by Strawberry Creek sufficed sufficiently well to carry off all the surplus water. Of late years there have been obstructions placed in it which have caused the strong flow of water to wash its banks in many places and thereby causing destruction of property to a certain extent.

A storm sewer properly constructed would easily take off the extra quantity of water and confine its flow in one direction. Surface water from many of the streets could be conducted into it and make them comparatively free from overflows which are bound to occur when heavy storms are upon us.

Of late there has been some public agitation upon the subject and various estimates have been made as to its cost. The difference in estimates upon this work are quite large. They run from \$80,000 to nearly \$180,000. It is very probable that good plans will be drawn and specifications made for work that would answer for all the purposes intended for even a smaller sum than the least amount mentioned above.

As the work would be for the interest of the whole town it has been suggested that the property owners consent to issue long term bonds for prosecuting the work. Already the matter has been discussed by the West Berkeley Progressive Club and a petition from its members will probably soon be presented to the Board of Trustees. The Board will then have an opportunity to so lay it before the people that everybody will have a chance to say something about it pro and con. As remarked before the subject cannot be taken hold of any too soon so that it can be looked into thoroughly before any publication need be taken.

## TRIAL WITHOUT A JURY.

Judge Frick decided the case of Kohler vs. Fred V. Wood, Justice of the peace of Oakland, wherein the Judge refused to allow a jury in cases where a city ordinance was violated in favor of the defendant. The decision was to the effect that the plaintiff had not taken the proper course to have the matter properly adjudicated. The trial before Judge

Wood was for the violation of the liquor ordinance of the city and he refused to allow the defendant a jury trial. He endeavored to compel the Judge to allow a jury by mandamus. The decision that the plaintiff's course was by an appeal after a trial had taken place. Very likely a decision will be arrived at by an appeal to the Superior Court.

The *Oakland Printer*, which has just entered upon its second volume, has been received at this office. It is brimfull of matter particularly interesting to the craft as well as the general public. It has a very nice typographical appearance, and is issued as a 16 page monthly. The matter in it is sparkling throughout its different pages, and well worth the reading public's attention.

Sledge hammer blows are being given the Oakland Board of Public Works by Henry P. Dalton. He is in downright earnest, and writes with a quill dipped in acetic acid.

## NOTICE.

Parties so desiring can always call up the GAZETTE by telephone. Telephone No. 33, six bells, West Berkeley. The office in East Berkeley will for the time being be located in the same office with the Western Union Telegraph Company.

**BREWTON A. HAYNE,**  
ATTORNEY-AT-LAW,

Crocker Building, San Francisco.  
Residence, Piedmont Way.  
Telephone, 5028

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Latest style hair dressing . . . . .50c  
Shampooing . . . . .50c  
Curling and cutting bangs . . . . .25c  
Bleaching a specialty.

## DIVIDEND NOTICE.

San Francisco Savings Union, 532 California St., corner of Webb.  
FOR THE HALF YEAR ENDING with the 31st of December, 1894, a dividend has been declared at the rate of FOUR AND EIGHT-TENTHS (4 8-10) per cent per annum on Term Deposits, and FOUR (4) per cent on Ordinary Deposits, free of taxes, payable on and after Wednesday, the 2nd of January, 1895.

LOVELL WHITE, Cashier.  
dec22-2w

## DIVIDEND NOTICE.

Oakland Bank of Savings, Oakland, Cal.  
FOR THE SIX MONTHS ENDING December 31, 1894, a dividend has been declared at the rate of FOUR AND THREE-QUARTERS (4 3/4) per cent per annum on ALL savings deposits, free of taxes, payable on and after Wednesday, January 2, 1895. Dividends not called for are added to and bear the same rate of interest as the principal, from and after January 1, 1895.

W. W. GARTHWAITE, Cashier.  
d22-1m

## DIVIDEND NOTICE.

THE UNION SAVINGS BANK, Oakland, California—A dividend has been declared to depositors for the six months ending December 31, 1894, at the rate of four and three-quarters (4 3/4) per cent per annum on all term accounts, payable on and after January 2, 1895.

A. E. H. CRAMER, Cashier.  
dec24-1m

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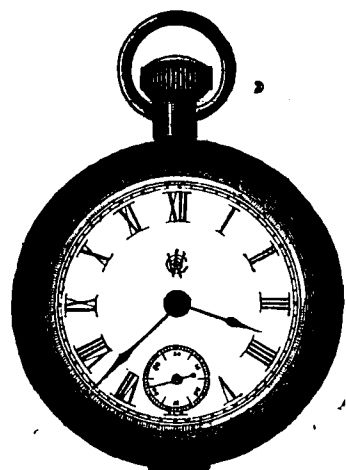
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Xmas Tree Ornaments.....from 3 for 5c up  
Candles.....15c per box  
Candle Holders.....5c doz up  
Animals.....from 5c up  
Tinsel and Silver and Gold La Matra.....5c per pkg  
Christmas Trees.....from 25c to \$5  
Lovely Baskets.....from 10c to \$5  
Variety of Candies for ornamenting cakes.....special prices  
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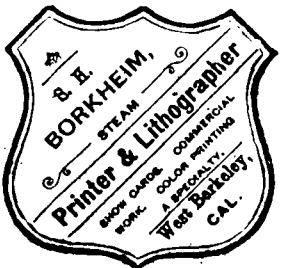
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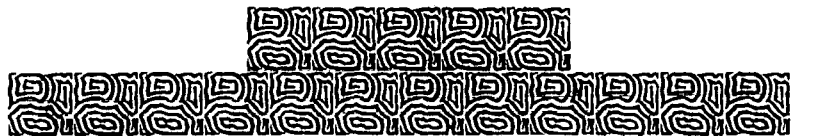
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# The Daily



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If you want a nice suit of clothes call on Mikkelsen & Berry, 2124 Center street, Berkeley. All kinds of repairing done.

Get your watches, clocks and jewelry repaired at R. A. Curry's, formerly Scott's 2124 Center street, Berkeley. Diamonds, watches and jewelry of all kinds on hand. Work guaranteed.

S. G. Crawford has moved his Intelligence office to corner of Addison street and Stanford avenue, where all kinds of help can be obtained.

A gentleman wants board and room in private family, must be a home, no style; one-half mile more or less from University. Address GAZETTE office. d5 1w

For fine candies, teas, coffees, flavoring extracts and notions go to J. R. Fenton's new store at 2152 Dwight way, near depot, where you will be waited upon by the ever obliging Miss Speck.

Madame Kohne, midwife and ladies' nurse, has removed from Fifth street and Bancroft way to her present residence, 1912 Fifth street, between University avenue and Bristol street. Persons requiring her services can inquire at Rutledge's drug store.

### Investigation Needed.

Recently Homer Howard has cut quite a figure in the courts in regard to a horse owned by him. The latest story in relation to the matter is it is alleged that Howard's horse got taken in by the poundmaster. He then loaned the animal to a Chinaman, whose horse was sick, to be used by the Mongolian until his animal got well. On being returned to the owner the horse was staked out in an open lot during the late storm and finally died there, as it is alleged from starvation. The animal dug a hole in the ground about him nearly large enough to bury him in.

An appeal has been made to the Society of Prevention of Cruelty to Animals and some members of it will make an examination into the case and will then probably take such action as the case demands.

Ben Calhoun accosted a reporter of the GAZETTE this morning and stated that a new boy had arrived at his home early this morning. We were just about to congratulate him when a merry twinkle in his eye led us to believe that the wish was father to the thought, and that he was fooling us. We hope, however, that his statement is true, for he has long wished to have a son and heir.

A Legislative Committee will visit Berkeley tomorrow for the purpose of ascertaining what is necessary in the way of new buildings for the wants of the University. The amount of the appropriation will depend a great deal upon their report.

Deputy Constable Neilson arrested a one-legged hobo this morning and took him before Judge Lord who released him upon the promise that he would leave the classic shades of Berkeley far behind him ere the sun sank in the west this evening.

There will be a meeting of the University football team held tomorrow afternoon to elect a new Captain, vice Captain Benson, who will not remain in college after the close of this term.

## REAL ESTATE TRANSFERS.

F. K. and Rose M. Shattuck to H. L. Whitney, et al., Trustees of First Baptist Church of Berkeley, portion plat 68, D and V Peralla Rancho.

Kimball G. and Katherine O. Easton and Alexander and Louise Campbell, to George S. Lackie, lot 3 block 7, Case tract.

Charles A. and Alice C. Bailey, to E. M. Loomer, lots A-3 and A-4, block 1, Curtis tract.

The people of Lorin are determined to have their streets graded and macadamized this summer in order that there shall be no repetition of the experiences of this winter. One wellknown gentleman of Lorin states that if grappling irons were sunk down in the mud at or near the Lorin station, that several wagons and buggies might be recovered.

At the last meeting of the Crescent Athletic Club Dr. J. C. Anthony was elected Leader; Walter Hoag, Field Captain; Otto Putzker, Bicycle Captain; J. C. Berry, temporary Captain, of Tug-of-War Team. This entitles the above named gentlemen the right to vote at a meeting of the Directors. In fact they are members of the Board.

W. P. Grant, the house raiser, met an accident yesterday, breaking one his ribs. He was putting on one of the screws, which was being used to raise a building on Second street, between University avenue and Addison street, when the handle slipped and struck him on the rib.

There seems to be a good deal of suspicion attached to the Board of Public Works in Oakland and yesterday grave charges were made against Commissioner Hughes by former employees of the city. Mr. Hughes denies in toto each and every charge and demands an investigation at the hands of the Grand Jury.

The seats for the concert at Shattuck Hall this evening have nearly all been sold, and it is safe to predict that the Berkeley Orchestral Society will have a crowded house. Lovers of music should not fail to be present.

Mrs. Sarah Lynch, who has been suing the Alameda, Oakland and Piedmont Electric Railway Company for \$50,000 for the death of her husband, yesterday compromised the case and will receive \$5000.

The Mayflower Social Club will give one of their enjoyable parties in Pythian Hall tomorrow evening. As the weather is likely to be pleasant there will no doubt be a large attendance.

Justice E. H. Shaw, on the 18th proximo united in marriage in Oakland, Emil C. Woolf to Maggie G. McDonald, both of San Francisco.

A number of Berkeley people will go to San Francisco this evening and visit Chinatown, to see how the Celestials celebrate their New Year.

Mrs. Gowen, of 2432 Ellsworth street, will give up her boarding house and move to San Francisco tomorrow.

There was a heavy mantle of frost on the hills this morning and it was quite late in the afternoon before it was warm enough to be comfortable.

Quite a number of teams, loaded with hay, came in from Contra Costa county this morning, and after weighing at the scales of D. H. Burns, they proceeded on their way to Oakland.

The city election will shortly take place in Oakland, and candidates are now springing from every bush. It is astonishing how many people there are for city and county offices.

The funeral of the late Mrs. Loughridge took place this afternoon from her late residence. Professor Loughridge will proceed immediately to Louisiana with the remains.

The Living Pictures are still a leading feature in the Vaudeville show being given at the Oriental Theatre in Oakland and crowded houses are the rule.

Capt. Merry of San Francisco will lecture on the Nicaraguan canal in North Hall this evening. The students and those interested are invited.

The Chinese New Year has commenced, and it was ushered in last night with a fusillade of fire crackers and bombs and the beating of tom-toms.

The Charity ball which was given at Shattuck hall on Wednesday evening last, netted quite a handsome sum for the purpose for which it was given.

## SEMI-ANNUAL STATEMENT OF THE Union Savings Bank

OF OAKLAND, CALIFORNIA,  
At Close of Business, December 31st. 1894

### ASSETS:

|                                                                                                                              |                |
|------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1. Loans secured by first mortgages on real estate in this State, bonds, stocks, warrants, and on approved personal security | \$2,851,774.79 |
| 2. Bonds of various counties of this State, and registered warrants of Douglas County, Oregon, and of City of Oakland        | 130,500.00     |
| 3. Bank premises and real estate taken for debt                                                                              | 80,482.68      |
| 4. Cash on hand                                                                                                              | \$284,471.57   |
| On deposit in banks in New York and San Francisco                                                                            | 57,827.09      |
| 5. Office furniture and fixtures                                                                                             | 342,298.66     |
|                                                                                                                              | 3,500.00       |
| Total                                                                                                                        | \$3,408,555.63 |

### LIABILITIES.

|                                  |                |
|----------------------------------|----------------|
| 1. To depositors                 | \$3,011,355.84 |
| 2. Capital stock paid in         | 300,000.00     |
| 3. Reserve and undivided profits | 75,000.00      |
| 4. Taxes reserved                | 22,199.79      |
| Total                            | 3,408,555.63   |

### STATE OF CALIFORNIA.

County of Alameda.

J. West Martin and A. E. H. Cramer, being each separately and duly sworn, each for himself says that J. West Martin is President and A. E. H. Cramer is Cashier of the Union Savings Bank, the corporation above mentioned, and that the foregoing statement is true.

J. WEST MARTIN, President.  
A. E. H. CRAMER, Ca J.  
Subscribed and sworn to be me this 2nd day of January, A. D. 1895.  
W. R. THOMAS,  
Notary Public.

**Alameda Water Co.**  
OFFICE—HANN BLOCK,  
NEAR BERKELEY STATION.  
BERKELEY, CAL.

**Golden Gate Supply Co.**  
L. A. CAVALLIER, Prop.  
SHATTUCK AVE. AND CEDAR STREET

—DEALER IN CHOICE—  
**Wheat, Oats, Hay and Feed.**  
COAL of all kinds.

Solicits a Share of the Public Patronage.  
Orders Promptly Attended To.

## G. H. STRICKER,

DEALER IN

## Foreign and Domestic Cigars

Smoking and Chewing Tobaccos, Pipes, Cigar Holders, Etc. Call for the Edward Everett Cigar.

2132 SHATTUCK AVENUE,

unction of Oakland Electric Cars, West Berkeley Lines and San Francisco Local Lines.

## H. D. KELSEY DRUGGIST

2038 Shattuck Ave., Opp. Post Office.

## SELLS HOT WATER BAGS

AS FOLLOWS:

|          |        |          |        |
|----------|--------|----------|--------|
| 2 quarts | 80 cts | 4 quarts | \$1 00 |
| 3 quarts | 90 cts | 5 quarts | \$1 25 |

WE NEVER FOLLOW.

WE ALWAYS LEAD

## D. H. BRUNS & CO.

The Leading

## GROCERS

Of West Berkeley

Are still in the ring with a full line of fancy and staple groceries, hardware, etc. and all articles usually kept in a first-class store. Remember our store

SAN PABLO AND UNIVERSITY AVENUES.

REGULAR COAL DEPOT.

For the benefit of farmers we have a ten-ton scale.

E. COR. 8TH AND BROADWAY.

915 WASHINGTON STREET.

## WINE -:- VAULTS

THEO GIER

FINEST BRANDS OF WINES AND BRANDIES.

Family Trade a Specialty. Goods Delivered to all parts of Oakland, Berkeley and Alameda.

GEO. KIRCHNER,

HERMANN BOEK

## National Bottling Company

OF OAKLAND.

BOEK & KIRCHNER, Agents.

—Sole Bottlers of the Celebrated—

## National Brewing Co's. Lager Beer.

Sole Agents for Jackson's Napa Soda. The Finest Brands of Lager Beer in kegs and bottles in the market. Orders Delivered Promptly. Family Trade a Specialty. Office and Depo Northwest Corner of

NINTH AND FRANKLIN STS. OAKLAND!

Telephone 596.



## Dwight Way

MEAT MARKET

Dickason & Heimers,

Props.

DEALERS IN ALL KINDS OF

**Fresh and Salted Meats,**  
SAUSAGES OF ALL KINDS.

All Goods Sold at City Prices. - Orders called for and promptly delivered free of charge.

2132 DWIGHT WAY,

NEAR STATION

BERKELEY, - - CAL.







proper, the laying of gas or water pipes or electric conduits in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone or electric light lines therein.

#### To regulate distribution of water and gas.

11. To regulate the quality, capacity and location of water and gas pipes, and to regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

#### To grant franchises for street railroads.

12. To grant, under and in pursuance of the general statutes of this State, franchises for the construction of street railroads on and along the streets of the Town, provided that in all grants of franchises for street railroads it shall be made a condition that no single track or street shall not exceed five feet, and that only such rails shall be laid down as are of the most approved pattern for street railways operated by horses, cables or other motors than steam. Provided further that it shall be unlawful for the Board of Trustees within thirty days next preceding the date of holding a general Town election and within seventy days next immediately following such general election, to authorize or pass any ordinance, order or resolution granting to any person or persons or association of persons or corporate body, whether any privilege or franchise for the construction, extension or operation of any street railroad over or upon any part of any street, road, highway, squares or park within the Town of Berkeley.

Any franchise or privilege granted or attempted to be granted in violation of or contrary to this section shall be absolutely void and of no effect, provided that all applications and bids or proposals for franchises under this section shall be accompanied by a cash deposit of \$2,000 as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and granting of such franchise. Upon the franchise being awarded all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the performance by him of the provisions of the franchise to the satisfaction of said Board. And upon such performance the remainder of such deposit after the payment therefrom of all expenses incurred by the town in connection with the awarding of such franchise shall be returned. Provided further that no franchise for a street railroad shall be granted without containing a provision that all United States mail carriers and officers of the town shall at all times while in the actual discharge of their duties be allowed to ride on the cars or street railroad without paying therefor and with all the rights of other passengers.

#### To contract for water supply.

13. To contract for supplying the town with water for municipal purposes.

#### To construct water works.

14. To acquire, construct and keep in repair pumps, aqueducts, reservoirs, to lay water pipes or do other work necessary for fully supplying the Town with water.

#### To fix water rates.

15. To fix and determine annually the rates of compensation to be collected by any person, company or corporation in the Town for the use of water supplied to the Town or the inhabitants thereof, and to provide penalties for the violation of ordinances passed in reference to matters contained in this subdivision.

#### To provide fire engines.

16. To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishing of fires.

#### To establish fire limits.

17. To establish fire limits with proper regulations.

#### To regulate objectionable trades.

18. To regulate the maintenance of powder works, acid works, slaughterhouses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper or to exclude such works and business from the Town.

#### To establish a pound.

19. To prevent or regulate the running at large of any animals, to establish a pound and to authorize the destruction or impounding of any animals running at large.

#### To appoint policemen and subordinate officers.

20. To appoint and remove such police men and other subordinate officers other than the deputies of elective officers as they may deem proper and to fix their duties and compensation.

#### To provide fines and imprisonment.

21. To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

#### To add to the duties of Town officers.

22. To prescribe by ordinance not inconsistent with the provisions of this charter, the additional duties of all town officers, and fix their compensation.

#### To provide for election of Auditor.

23. To provide by ordinance, when said Board may deem necessary for the election at a general town election of an Auditor, whose term of office shall be two years and whose compensation shall be fixed by the Board of Trustees and whose duties shall be as in this charter prescribed, provided that no Auditor shall be elected prior to the municipal election of the year 1899.

#### To perform other acts.

24. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this charter, and to enact and enforce within the limits of the town all laws and regulations that may be necessary or proper and that do not conflict with the general laws.

#### ARTICLE V.

#### EXECUTIVE DEPARTMENT.

#### Duties of the President of the Board of Trustees.

#### SECTION 51.

#### Supervise public officers.

1. The President of the Board of Trustees shall vigilantly observe the conduct of all public officers, and take care of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property.

#### Examine public records.

2. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the town, shall at all times be open to his inspection and examination. He shall take especial care to see that the books and records of said departments, boards, officers and persons, are kept in a legal and proper form, and any delinquency, or willful neglect of duty or official misconduct which he may discover or which shall be reported to him, shall be laid on file in the office of the Board of Trustees, Town Attorney or District Attorney, in order that the public interests shall be protected and the person in default be proceeded against according to law.

#### Have public records kept.

3. He shall appoint, subject to the approval of the Board of Trustees, a competent person or persons, expert in the care of book-keeping and accounts, whose compensation shall be fixed before the appointment by the Board of Trustees, to examine the books, records, condition and affairs of every department, Board or officer, and report fully thereon written to the Board of Trustees at least once in every year, and it shall be the duty of the President of the Board to enforce such an examination. Any officer, Board or person in the employ of the town refusing to submit to or permit such an examination, or purposely delaying or impeding the same, shall be removed from office for such conduct the same as for malfeasance in office.

#### Supervise public institutions.

4. The President of the Board of Trustees shall have a general supervision over all departments and public institutions of the town and shall see that they are honestly, economically and lawfully conducted.

#### Have Ordinances enforced.

5. He shall see that the provisions of the Charter and the ordinances of the town are observed and enforced.

#### Give information to the Board of Trustees.

6. He shall, from time to time, give the Board of Trustees information in writing relative to the state of the town and shall recommend such measures as he may deem beneficial to its interest.

#### Audit claims.

7. He shall, until the election of an Auditor he had, examine into and audit all claims against the town, the general auditing officer of the town, keep a proper record of all claims and report the same at each regular meeting of the Board, with his recommendations thereon.

#### Count money in the Treasury.

8. The President of the Board of Trustees, the Chairman of the Finance Committee of the same Board and the Town Clerk shall at least once in three months count the cash in the town treasury and see that it corresponds with the books of the Treasurer and the Clerk and report the result of such count to the Board of Trustees.

#### Duties of the Auditor.

SECTION 52. The Auditor shall act as the general accounting and fiscal agent of the Town of Berkeley, and shall exercise a general superintendence over all the officers of the Town charged in any manner with the receipt, collection or disbursement of the Town revenues. He shall keep a complete set of books in which he shall set forth in a plain and business-like manner every money transaction of the Town, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by any officer or any other person. He shall, on application of any person indebted to the Town, holding money payable into the Town treasury, or desiring to pay money thereon, certify to the Town Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the Town Treasurer for money paid into the Town Treasury, charge the Town Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to appportion among the several funds of public money at any time in the Town Treasury not by law or ordinance specifically apportioned and appropriated and forthwith notify the Town Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. He shall report to the Board of Trustees at each regular meeting the condition of each fund in the Town Treasury, and the amount drawn from each fund since the last regular meeting. He shall make and present a report to the Board of Trustees at its meeting in the second week of December of each year, showing all financial business transactions of the town for the preceding year ending the thirtieth day of November last. He shall audit and approve all demands against the Town before payment and keep a record of all public money at or before the first of August in each year make and present to the Board of Trustees a report as to the revenue and expenses of the Town for the current fiscal year, in which he shall set forth estimates of, first, the revenue from all sources, second, the estimated expenses, and third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this Charter or by ordinance.

#### Duties of the Treasurer.

SECTION 53. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as Town Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the Town Clerk. He shall receive and keep all moneys on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the Town Clerk. He shall be ex-officio Tax Collector.

#### Duties of the Assessor.

SECTION 54. It shall be the duty of the Assessor, between the first Monday in March and the first Monday in August in each year to make out a true list of all taxable property within the town. The mode of making out said list, and the procedure thereon, shall be in conformity with laws now in force, regulating County Assessors or that may hereafter be enacted, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and its value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. The Assessor shall verify said list by his oath, and shall deposit the same with the Town Clerk, on or before the first Monday in August in each year. The Assessor and his deputy shall have power to administer all oaths and affirmations that may be necessary in the performance of their duties.

#### Duties of the Clerk.

#### Keep records of the Board of Trustees.

SECTION 55. 1. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Trustees, and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." 2. He shall keep a book, which shall be marked "Town Accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount of any moneys paid out for the purchase of bonds, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury.

#### Keep a book of "Tax Collector's Account."

3. He shall also keep a book, marked "Tax Collector's Account," in which he shall charge the Tax Collector with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned by him.

#### Keep a book of "Treasurer's Account."

4. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full and true record of the transactions of the town with the Treasurer.

#### Keep a book of "Town Licenses."

5. He shall also keep a book, marked "Town Licenses," in which he shall enter all licenses issued by him to the Marshal, and the amount thereof.

#### Keep a book of "Sewer Permits."

6. He shall keep a book, marked "Sewer Permits," in which he shall enter all sewer permits delivered by him to the Marshal and the amount thereof.

#### Keep a book of "Town Ordinances."

7. He shall also keep a book, marked "Town Ordinances," into which he shall copy all town ordinances, with his certificate annexed, and in which he shall enter every ordinance to be a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the Town Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way.

#### Index foregoing books.

Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

#### Compute amount of Taxes.

9. Upon the completion of the assessment roll for any of the taxes of the town, and levying of the tax thereon, the Town Clerk shall compute and carry out the amount of tax levied on each parcel of property in said assessment roll contained, and shall deliver it to the Tax Collector. It shall not be necessary to make a duplicate assessment roll. He shall compute all delinquent taxes and penalties therefor and charge the Tax Collector therewith.

#### Appoint a Deputy.

10. He may appoint, subject to the ap-

proval of the Board of Trustees, a deputy, for whose acts he and his bondsman shall be responsible.

#### Administer Oaths.

11. He and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge.

#### Have charge of the Town Archives.

12. He shall have the custody and be responsible for the corporate seal, and all books, papers, records, and archives belonging to the town, not in actual use by other officers, or otherwise by special provision committed to their custody.

#### Make quarterly Statements.

13. He shall make a quarterly statement, in writing, showing receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury.

#### Make annual Statements.

14. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the town, which shall be published, which statement shall also contain a complete list of all the paid officials of the town and the amounts of their several compensations.

#### Act as Clerk of Board of Education.

15. He shall ex-officio act as Clerk of the Board of Education.

#### Perform other duties.

16. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

#### Duties of the Attorney.

SECTION 56. It shall be the duty of the Town Attorney to advise the town authorities and officers in all legal matters pertaining to the functions of the town, and to render such other services in the line of his profession as may be required of him by the Board of Trustees.

#### Duties of the Marshal.

#### Have charge of the Town Police.

SECTION 57. 1. The department of police of the town shall be under the direction and control of the Marshal; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in the town and precincts, and he shall also have the power, for the arrest of offenders and the maintenance of public order.

#### Have powers and duties of Constable.

2. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal officer, and he shall have the same power and duties in all civil and criminal cases within the limits of the town as Constables have within the respective townships for which they are elected and shall be entitled to the same fee.

#### Pay Treasurer moneys collected.

3. He shall, at the expiration of each month, pay to the Town Treasurer all funds of the town collected by him or his deputies during said month. He shall, upon the payment of the moneys, file with the Treasurer an affidavit stating that the money so paid is all the funds he has collected or received during the preceding month.

#### Have charge of the Town prisons.

4. He shall have charge of the town prison and prisoners, and of any chain-gang that may be established by the Board of Trustees.

#### Appoint deputies and additional policemen.

5. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he may also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only.

#### Ex-officio License Collector.

6. He shall be ex-officio License Collector.

#### Perform other duties.

7. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

#### Duties of the Tax Collector.

SECTION 58. The Tax Collector shall collect all taxes levied by the Board of Trustees, except as herein provided. He shall, at the expiration of each month, pay to the Town Treasurer all taxes and other funds of the town collected by him during said month. He shall, upon the receipt of any tax list, give his receipt therefor to the Town Clerk, and shall, upon depositing with the Town Clerk the delinquent tax list, take his receipt therefor. He shall keep proper books showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of the same, and he shall also have charge of the town for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection. He shall perform such other duties as may be required of him by law or by ordinance of the Town.

#### Duties of the Superintendent of Streets.

SECTION 59. The Superintendent of Street shall have the general care of and frequently inspect the streets of the town. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street construction. He shall frequently inspect all public works pertaining to street construction, while in the course of construction, inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Board of Trustees in writing all deviations from contract and use of improper material and bad workmanship in such works, and shall have power pending investigation to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or as may be imposed by ordinance.

#### Duties of the Engineer.

SECTION 60. 1. It shall be the duty of the Engineer to make surveys, inspections and estimates required by the Board of Trustees. 2. He shall examine all public work done under contract and report thereon in writing to the Board of Trustees. 3. He shall, on application of any person owning or interested in real property in the town for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor. 4. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other documents, while in the possession of the town, pertaining to his office, and the work thereof, all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor. 5. All maps, plans, profiles, field notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control during his term of office for the town, shall be the property of the town. 6. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance.

#### ARTICLE VI.

#### SCHOOL DEPARTMENT.

#### Board of Education.

SECTION 61. The government of the School Department of the town shall be vested in a Board of Education to consist of seven members to be called School Directors.

#### Qualifications of School Directors.

SECTION 62. From each of the seven wards of the Town there shall be elected by the qualified electors of the ward he is to represent, one member of the Board of Education, who shall have been at the time of election a qualified voter within the boundaries of the Town as hereinbefore described for a period of not less than three years, and a resident of the ward from which he is elected for a period of not less than six months. The School Director shall, during the term of his office, cease to be a resident of the town, his office shall by reason thereof be declared vacant.

#### Vacancies.

SECTION 63. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall hold office until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

#### Meetings.

SECTION 64. The Board of Education shall meet on the first Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution in the place provided for them by the Board of Trustees. Special meetings may be called by the President of the Board or by four members of the Board, and in such case the meeting of the Board shall be public.

#### Quorum.

SECTION 65. Four members of the Board shall be a quorum and the affirmative vote of four members shall be necessary to pass any motion, but a less number than four may adjourn from day to day until the required attendance of a quorum is obtained, in such manner as the Board may prescribe.

#### President.

SECTION 66. The Board of Education shall annually elect a President from its own members, who may be re-elected by an affirmative vote of a majority of the Board. The member so chosen as President of the Board shall have no other than his vote as School Director.

#### Clerk.

SECTION 67. The Town Clerk shall be ex-officio Clerk of the Board of Education and shall receive such compensation as said Board may from time to time determine. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Education. He shall make a quarterly statement in writing, showing the receipts and expenditures of the Board of Education, and such other statements as the Board may from time to time require.

#### Attorney.

SECTION 68. The Town Attorney shall be the Attorney of the Board of Education.

#### Board may sue and be sued.

SECTION 69. The Board of Education may sue and be sued by their name of office in any action or judicial proceeding against said board, service of process upon the president, or upon a majority of the members of the board, shall be sufficient to give the court jurisdiction to hear and determine the same.

#### Administering Oaths.

SECTION 70. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, and in all other matters relating to the duties of the Board of Education, and to witnesses examined in any investigation had by said Board of Education, or by a committee thereof duly appointed by it for that purpose.

#### Attendance of Witnesses.

SECTION 71. The President may issue subpoenas under his hand and the seal of the town, attested by the Town Clerk, commanding the attendance of witnesses before the Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the Superior Court of the county in which the town is situated.

#### School Warrants.

SECTION 72. Every claim payable out of the school fund shall be filed with the clerk of the Board of Education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and clerk, and a warrant upon the school fund shall be issued thereon for the payment of such claim; which warrant shall be signed by the president of such board, and countersigned by the clerk, and shall specify for what purpose the same is drawn.

#### Mode of Receiving County Moneys.

SECTION 73. Unless otherwise provided by law, all moneys received by the treasurer of the county wherein the town is situated, on account of the school fund of the town, and all sums received into the county treasury, which may be apportioned to the town shall be paid to the Town Treasurer by the County Treasurer as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary, upon the order of the Board of Education.

#### Use of State School Moneys.

SECTION 74. The entire revenue derived by the town from the State school fund and the State school tax shall be applied by the Board of Education exclusively to the support of primary and grammar schools.

#### Powers of the Board of Education.

SECTION 75. The Board of Education shall have power:

#### To Establish Schools.

1. To establish and maintain public schools, including High Schools and Kindergartens, and to change, consolidate and discontinue the same.

#### To Employ Teachers and Other Officers.

2. To employ and dismiss teachers, janitors, transient officers, and school-census marshals, and to fix, alter, and order paid their salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

#### To Make Rules for the Schools.

3. To make, establish and enforce all necessary or proper rules and regulations, not in conflict with the laws of this State for the government and management of public schools within the town, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

#### To Regulate Courses of Study.

4. To establish and regulate the grades of schools in the town, and the mode of instruction, and to prescribe the course and term, what text-books shall be used, and to fix courses of study including preparation for entrance to the University of California.

#### To Regulate Admission of Pupils.

5. To prohibit any child under six years of age from attending the public schools, except that in the kindergarten, younger children may be received.

#### To Regulate Admission of Non-Resident and Adult Pupils.

6. To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of the town, upon the payment monthly, in advance, of such tuition fee as the Board may establish.

#### To Provide School Supplies.

7. To provide for the school department of the town fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by the Board.

#### To Provide School Houses.

8. To build, alter, repair, rent, and provide school-houses, and to furnish the same with proper school-furniture, apparatus, and appliances, and to insure any and all school property.

#### To Hold Property.

9. To purchase, receive, lease, and hold in trust for such town, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of the town; provided that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school-houses, without the approval of the Board of Trustees; and provided further that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots and for the erecting of school-houses thereon.

#### To Improve School Lots.

10. To grade, fence, and improve all school lots.

#### To Make Annual Estimates of Expenses; Tax Limit.

11. To determine annually the amount of money to be expended for the support of the public schools, and for carrying into effect the provisions of law in reference thereto; and in pursuance of this provision, the Board of Education shall, at least ten days before the meeting of the Board of Trustees at which the annual town tax is levied, submit to the Board of Trustees a careful estimate of the whole amount of money to be received from the state and county, and of the amount to be required from the town

for the above mentioned purposes; and the amount so found to be required from the town shall, by the Board of Trustees, be added to the above amounts to be assessed and collected for town purposes, and when collected, the proceeds thereof shall be immediately paid into the school fund of the town, to be drawn out only upon the order of the Board of Education, provided that such annual tax shall not exceed thirty cents on each one hundred dollars of the assessed valuation of the real and personal property within the town.

#### To Regulate Disbursement of Money.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the school fund.

#### To Discharge Legal Incumbrances.

13. To discharge all legal incumbrances existing at the time of the adoption of this charter, or thereafter, on any school property within the town.

#### To Perform Other Acts.